

WHEREAS, NETGEAR's total sales of the accused VOIP products are small vis-à-vis the other defendants:

WHEREAS, both NETGEAR and Thomas expect that settlement discussions would be more fruitful after the actions against the other defendants have been resolved and after the Court has entered a claim construction order for the other pending cases;

NOW, THEREFORE Thomas and NETGEAR, and their respective counsel of record hereby stipulate and request entry of the following order:

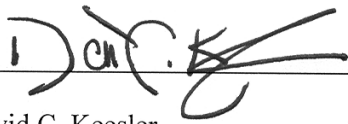
The present action filed by Plaintiff Thomas against Defendant NETGEAR shall be stayed until the following events have occurred:

- (1) Final resolution of the present action between Plaintiff Thomas and Defendants Level 3 Communications, LLC; Cisco Systems, Inc.; Avaya Inc.; and Vonage America Inc.; and
- (2) The Court has entered a claim construction order in one or more of the pending actions involving the '354 patent.

In the alternative, in the event that the eleven patent infringement actions involving the '354 patent are finally resolved between Thomas and all other defendants before the Court enters a claim construction order, then the present stay shall expire at that time.

IT IS SO ORDERED.

Signed: June 14, 2006



David C. Keesler
United States Magistrate Judge



STIPULATED AS TO FORM:

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